

**MINUTES OF THE JONESTOWN CITY COUNCIL SPECIAL CALLED MEETING
HELD APRIL 26, 2007, 7:30 P.M. AT THE CITY COUNCIL CHAMBERS 18649 FM
1431, SUITE 3-A, JONESTOWN, TEXAS**

A. ITEMS OPENING MEETING:

1. CALL TO ORDER

MAYOR PRO TEM CASS BREWER

Mayor Pro Tem Brewer called the meeting to order at 7:31 p.m.

2. ROLL CALL

CITY SECRETARY

Upon roll call, the following members were present: Alderman MacMicking, Alderman Drake, Mayor Pro Tem Brewer and Alderman Aaron. Alderman Walker and Mayor Brown were absent. (Mayor Brown is still recovering from his illness and Alderman Walker is on vacation) A quorum was present.

B. CITIZEN COMMUNICATIONS (Discussion only on items that are not on the agenda.)

There were no citizen comments.

C. GENERAL BUSINESS AND ACTION ITEMS:

Mayor Pro Tem Brewer took some items out of order.

11. Discuss and consider for action the selection of the City Depository.

City Administrator, Johnny Sartain gave a brief explanation of the staff recommendation to stay with Regions Bank. Alderman Drake made a motion to continue to use Regions Bank as the City Depository. Alderman MacMicking seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman MacMicking, Alderman Drake, Mayor Pro Tem Brewer and Alderman Aaron. No: None. Abstain: None. Motion passes unanimously.**

10. Discuss and consider for action the selection of the winner of the bids for the 2005-2007 Street Improvement Project.

Sam Kiger, City Engineer, gave a brief overview of the bids and his recommendation, which was Smith Contracting Company. He has checked his references which turned out well.

Alderman Aaron made a motion to award the bid for the 2005-2007 street improvement project to Smith Contracting Company, Inc. including sections A and B. Mayor Pro Tem Brewer seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Brewer, Alderman Drake, and Alderman MacMicking. No: none. Abstain: None. The motion carried unanimously.**

Sam Kiger said that they have 100 days to finish and the completion date is mid-August.

1. Discuss and consider for action an ordinance to approve an Interlocal Cooperation Agreement with the City of Leander for Urban Planning, Watershed Protection, and the Release of Extraterritorial Jurisdiction.

City Administrator, Johnny Sartain asked City Attorney, Paige Saenz, to summarize the agreement, which she did. She also clarified that her role was only to write the agreement that the city managers agreed to, and mentioned that if negotiation is necessary, another attorney would need to be retained, since her firm is city attorney for both Leander and Jonestown. Biff Johnson, City Manager of Leander and Bill Hinkley, owner of the subject property were also included in discussion of the agreement.

Alderman Aaron asked for a change in Sec. 5.3 to add a number for water LUE's equal to the waste water offer. Mayor Pro Tem Brewer talked to Mr. Johnson about the location of the regional plant and the disposal plan. Discussion continued and included some citizens including Nadia Wills, Deane Armstrong, Tom Buckle and Don Groody. Ms. Armstrong and Mr. Buckle pointed out that this does not put the area released by Leander into Jonestown's ETJ, it only releases it. Mr. Groody spoke in favor of the agreement, and Nadia Wills spoke against it.

Alderman MacMicking made a motion to approve the ordinance to approve an Interlocal Cooperation Agreement with the City of Leander for Urban Planning, Watershed Protection, and the Release of Extraterritorial Jurisdiction. Alderman Aaron seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman MacMicking, Alderman Drake, Mayor Pro Tem Brewer and Alderman Aaron. No: None. Abstain: None. Motion passes unanimously.**

2. Discuss and consider for action, a request by the Jonestown Library Advisory Board to approve the expenditure of up to \$500 from the Donation Account to purchase blackout drape for multipurpose room for the purpose of showing movies for the summer program.

Alderman MacMicking made a motion to approve the request by the Jonestown Library Advisory Board to approve the expenditure of up to \$500 from the Donation Account to purchase blackout drape for multipurpose room for the purpose of showing movies for the summer program. Alderman Drake seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman MacMicking, Alderman Drake, Mayor Pro Tem Brewer and Alderman Aaron. No: None. Abstain: None. Motion passes unanimously.**

3. A. Public Hearing of a request by Jennifer Rivera and Paul Cothran of a revised plat of Lots 2 and 3, Block A, of Rocky Point subdivision.

Jennifer Rivera was present to explain her request. There were no citizen comments. Alderman Aaron made a motion to close the public hearing. Alderman Drake seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Brewer, Alderman Drake, and Alderman MacMicking. No: none. Abstain: None. The motion carried unanimously.** Mayor Pro Tem Brewer closed the public hearing.

- b. Discuss and consider for action the above request.

Alderman Aaron made a motion to approve a request by Jennifer Rivera and Paul Cothran of a revised plat of Lots 2 and 3, Block A, of Rocky Point subdivision. Alderman Drake seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Brewer, Alderman Drake, and Alderman MacMicking. No: none. Abstain: None. The motion carried unanimously.**

4. a. Public Hearing on an amendment to Chapter 94, Jonestown Code of Ordinances, amending the definition of “height” as set forth in §94.005; amending the definition of “structure” in Section 94.005 to exclude drain fields and adding the definition of “drain field”; amending Section 94020(b), Chart 1, requirements for lots one acre or more, and Chart 2, requirements for lots less than one acre; amending §94.020(g)(9)(c), to include GFA in brackets denoting the acronym for Gross Floor Area; and amending §94.036(f)(4)(c)(iii), governing changes in variation for structures within the FM-1 District, and amending Section 94.076, providing for the zoning amendment process.

Deane Armstrong, Jim Conatser, Tom Buckle participated in the public hearing. Alderman Aaron made a motion to close the public hearing. Alderman MacMicking seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Brewer, Alderman Drake, and Alderman MacMicking. No: none. Abstain: None. The motion carried unanimously.** Mayor Pro Tem Brewer closed the public hearing.

- b. Discuss and consider for action the above proposed amendment.

Alderman Aaron made a motion to approve the amendment to Chapter 94, Jonestown Code of Ordinances, amending the definition of “height” as set forth in §94.005; amending the definition of “structure” in Section 94.005 to exclude drain fields and adding the definition of “drain field”; amending Section 94020(b), Chart 1, requirements for lots one acre or more, and Chart 2, requirements for lots less than one acre; amending §94.020(g)(9)(c), to include GFA in brackets denoting the acronym for Gross Floor Area; and amending §94.036(f)(4)(c)(iii), governing changes in variation for structures within the FM-1 District, and amending Section 94.076, providing for the zoning amendment process, with the recommended changes to the ordinance, with the exception that Chart #1, requirements for lots with one acre or more, to retain the City Council’s recommendations and to retain the Planning and Zoning Commission recommendations for Chart #2, for existing subdivision lots that are less than one acre. Alderman MacMicking seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman Aaron, Mayor Pro Tem Brewer, Alderman Drake, and Alderman MacMicking. No: none. Abstain: None. The motion carried unanimously.**

5. Discuss and consider for action an ordinance amending Chapter 71 of the City of Jonestown Code of Ordinances by adding Subchapter K to require permits for demolition of structures and proper disposal of remains of demolished buildings and amending the fee schedule to establish a fee for demolition permits.

Bob Stevenson briefly summarized his recommendation to approve the ordinance. Council discussed the square footage of accessory structures that would be governed by this ordinance.

Alderman MacMicking made a motion to approve the ordinance amending Chapter 71 of the City of Jonestown Code of Ordinances by adding Subchapter K to require permits for demolition of structures and proper disposal of remains of demolished buildings and amending the fee schedule to establish a fee for demolition permits, and add an exception for accessory structures being less than 400 square feet. Mayor Pro Tem Brewer seconded the motion and asked for a friendly amendment to the motion to set the exception number at 200 square feet or less. Alderman MacMicking agreed. **Upon roll call the vote was as follows: Yes: Alderman MacMicking, Alderman Drake, Mayor Pro Tem Brewer and Alderman Aaron. No: None. Abstain: None. Motion passes unanimously.**

6. Discuss and consider for action an ordinance amending dangerous building abatement provisions set forth in Subchapter H, Chapter 71 of the City of Jonestown Code of Ordinances; adding Section 71.004(12) to adopt the 2003 International Property Maintenance Code; and amending all parts of ordinances in conflict.

Bob Stevenson gave a brief overview of the amendment. Alderman MacMicking made a motion to approve the ordinance amending dangerous building abatement provisions set forth in Subchapter H, Chapter 71 of the City of Jonestown Code of Ordinances; adding Section 71.004(12) to adopt the 2003 International Property Maintenance Code; and amending all parts of ordinances in conflict. Alderman Aaron seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman MacMicking, Alderman Drake, Mayor Pro Tem Brewer and Alderman Aaron. No: None. Abstain: None. Motion passes unanimously.**

7. Convene into executive session pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05, Tex. Disciplinary Rules of Professional Conduct to seek advise from legal counsel regarding:
 - a. A possible claim related to joinder of Lots 12-18, Lake Travis Subdivision #8 and two adjacent parcels of land
 - b. Possible litigation related to the City taking control of the Jonestown Water Supply Corporation

Alderman Aaron made a motion that, to the extent that we can discuss the issue relating to Lots 12-18, Lake Travis Subdivision #8 and two adjacent parcels of land, that the city attorney address that to the community and the council, and regarding item b, I'd like to table that action until the new council is seated, and at such time, that we evaluate and make any of the topics and subjects related to that, that are available to the city in prior correspondence from council, public, and have a public discussion and forum on that. Alderman Drake seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman Aaron and Alderman Drake. No: Mayor Pro Tem Brewer and Alderman MacMicking, Abstain: None. Motion fails, 2 to 2.**

City Attorney Saenz clarified that item a. needed to be discussed in executive session. Alderman Drake asked what would be discussed in executive session, stating that in item b. there is no litigation.

At 8:35 p.m., Mayor Pro Tem Brewer announced that the Council would go into executive session. Council left the dais.

At 8:40 p.m. Mayor Pro Tem Brewer returned to the dais having recused himself from the discussion in executive session because of conflict of interest. He returned to the executive session at 9:00 p.m.

8. Reconvene into open session to take action as deemed appropriate in the City Council's discretion regarding:

At 9:22 p.m. Mayor Pro Tem Brewer reconvened the meeting into open session.

- b. Possible litigation related to the City taking control of the Jonestown Water Supply Corporation

Mayor Pro Tem Brewer stated that the action is to move forward to hold an open forum for the city to be educated on what the water company is providing and is not providing to the city: fire flow, options on helping to control development in the city by the city having a utility, of some sort (another reason why we are looking to getting into the wastewater business). There's also ordinance control that can be helped by having utility partnership and just a way to basically embrace development in a correct way. So I hope we'll set this meeting up in the future to allow people to attend and really get educated on what the benefits are of the city having utilities.

He then stepped down and turned the meeting over to Alderman Aaron.

- a. A possible claim related to joinder of Lots 12-18, Lake Travis Subdivision #8 and two adjacent parcels of land

Alderman Aaron stated that Council would take no further action at this time on this item.

9. Discussion of an agreement for Short Form Final Plat approval for Lots 12-18, Lake Travis Subdivision #8 and two adjacent parcels of land in the City's ETJ.

There was a discussion about whether or not a quorum was present and if the second meeting of the month was a special or regular meeting. The city attorney gave an opinion that it was a regular meeting, so the three remaining alderman constituted a quorum.

Rick Vanderslice and Pat Hicks were allowed to talk to the Council and the audience about their plans and the proposed deal points for a letter agreement that was distributed in the packet. Participants in the discussion were Jim Conatser, Robert Ruggerio, Deane

Armstrong, JimAnn Broughton, Cher Groody, David Deeds, Bill Nichols, John Tichi, Jim Conatser, Sally Ruggerio, and Shawn Stein.

Alderman Aaron asked for a motion to close the discussion. Alderman MacMicking made a motion to close the discussion. Alderman Drake seconded the motion. **Upon roll call the vote was as follows: Yes: Alderman MacMicking, Alderman Drake and Alderman Aaron. No: None. Abstain: None. Motion passes unanimously.**

D. ADJOURNMENT

Mayor Pro Tem Brewer returned to the dais and adjourned the meeting at 10:26 p.m.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON MAY 10th, 2007.

Cass Brewer, Mayor Pro Tem
City of Jonestown

ATTEST:

Linda Hambrick, City Secretary